

Department of Environmental Quality

Federal Consistency Fact Sheet

Pursuant to the Coastal Zone Management Act, in 1986, the National Oceanic and Atmospheric Administration approved the Virginia Coastal Resources Management Program (VCP). Accordingly, federal actions with reasonably foreseeable effects on any land or water use or natural resources of Virginia's coastal zone must be consistent with the enforceable policies of the VCP. Currently the VCP is authorized under Executive Order 23 (02).

Virginia's Coastal Zone

Virginia's Coastal Zone Management Area (see map) includes most of Tidewater Virginia, as defined by the Code of Virginia § 28.2-100. In addition, the coastal zone includes coastal waters extending to the three-mile limit. There are 83 local jurisdictions in the coastal management area.

Federal lands are excluded from Virginia's coastal zone management area. However, activities on federal lands with reasonably foreseeable effects on Virginia's coastal resources or uses must be consistent with the enforceable policies of VCP. Federal agencies should also consider the advisory policies of the VCP.



Enforceable Policies of the VCP (Required)

- Fisheries Management (Code of Virginia § 28.2-200 thru 28.2-713, § 29.1-100 thru 29.1-570, § 3.1-249.59 thru 3.1-249.62)
- Subaqueous Lands Management (Code of Virginia § 28.2-1200 thru 28.2-1213)
- Tidal and Nontidal Wetlands Management (Code of Virginia § 28.2-1301 thru § 28.2-1320, § 62.1-44.15.5)
- Dunes Management (Code of Virginia § 28.2-1400 thru 28.2-1420)
- Non-point Source Pollution Control (Code of Virginia § 10.1-560 *et. seq.*)
- Point Source Pollution Control (Code of Virginia § 62.1-44.15)
- Shoreline Sanitation (Code of Virginia § 32.1-164 thru § 32.1-165)
- Air Pollution Control (Code of Virginia § 10.1-1300)
- Coastal Lands Management (Code of Virginia § 10.1-2100 thru § 10.1-2114, Virginia Administrative Code 9 VAC 10-20-10 *et seq.*)

Advisory Policies of the VCP (Recommended)

Although not required for the purposes of consistency, in accordance with 15 CFR §§ 930.39(c) and 930.58(a)(3), applicants should demonstrate adequate consideration of policies which are in the nature of recommendations. The VCP has several recommendations (Advisory Policies) which include coastal natural resource areas, coastal natural hazard areas, waterfront recreational land acquisition, and waterfront historic properties.

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Project Types

<i>Type of Project</i>	<i>Type of Review</i>	<i>Review Period</i>	<i>Note</i>
Federal Agency Activities and Development Projects	Consistency Determination	60 days	Consistency is triggered by the "effects test." Any federal action inside or outside the coastal zone that has a reasonably foreseeable effect on Virginia's coastal uses or resources is subject to a consistency review.
Federal Permit, License and Approval Activities	Consistency Certification	180 days	All activities located within Virginia's designated coastal management area (Tidewater) requiring a federal permit, license, or approval that is listed in the VCP must be consistent with the enforceable policies of the VCP.
Outer Continental Shelf Activities	Consistency Certification	180 days	Outer Continental Shelf (OCS) activities affecting any coastal use or resource must be consistent with the enforceable policies of the VCP. Reviews of OCS plans are similar to the procedure for reviewing Federal Permit, License and Approval Activities.
Federal Assistance Projects	Consistency Certification	30 days	Any state agency or local government applying for federal financial assistance to conduct activities in Tidewater that may affect coastal resources or uses must certify that the proposed activity will be conducted in a manner that is consistent with the enforceable policies of the VCP.

For further information on federal consistency reviews, go to <http://www.deq.virginia.gov/eir>.

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